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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JUL 21 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of Sections of)
the Cable Television Consumer)
Protection and Competition Act)
of 1992)

Rate Regulation)

MM Dkt. No. 92-266

Opposition to Petitions for Reconsideration

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Opposition to Petitions for Reconsideration

The Consumer Federation of America (CFA)¹ opposes the petitions for reconsideration filed by the cable industry in the above referenced proceeding.² CFA believes that reconsideration of the rate regulation and the accompanying benchmarks would be premature at this time.

Since its first Report and Order was issued in this proceeding, the Commission has concluded the initial comment period in a rulemaking on the effect of low penetration systems

¹ CFA is a coalition of 240 pro-consumer organizations with a combined membership of 50 million. Since 1968, CFA has represented the consumer interest before state and federal policymaking bodies.

² It should be noted that CFA wrote a letter in support of the Petition for Reconsideration filed by the Center for Media Education, the Association of Independent Video and Filmmakers, the National Association of Artists' Organizations and the National Alliance for Media Arts and Culture. This petition dealt only with the very narrow issue of leased commercial access rates. Nothing in this filing should be viewed as an opposition to review of that narrow issue.

on the rate benchmarks. The Commission has also announced its intention to hold rulemakings on cost of service standards and the issue of "outlier" systems late this summer.

Of these rulemakings, only the low penetration rulemaking proceeding has completed its initial comment period and no rules have been issued. The other proceedings, all of which may have wide-ranging effects on the rate regulations and the benchmarks have not yet begun. This being the case, it is untimely for the Commission to reconsider rate regulations that will be refined in ongoing and further rulemaking proceedings.

The economic data presented and the arguments put forth by the industry are nothing more than rehashed selective data, contradictory arguments and broadside attacks on the Commission's methodology already presented in earlier proceedings in this docket. CFA thoroughly critiqued these same arguments in its prior filings in this docket³, and will not waste the Commission's time by repeating them here.

CFA does not believe the initial rules go far enough with respect to rate reductions and believe the "Global Formulaic" proposed in our initial filing in this docket would provide a better, more efficient rate regulation formula. However, the

³ See, Comments of CFA, MM Dkt. 92-266, January 27, 1993; Reply Comments, February 11, 1993; Comments March 8, 1993; Comments, June 17, 1993; Reply Comments, July 2, 1993.

